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10/770,473	02/04/2004	Hui-Chun Hsu	OP-092000372	1361
7590	07/10/2006		EXAMINER	
Yi-WenTseng 4331 Stevens Battle Lane Fairfax, VA 22033			BOCHNA, DAVID	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treusch et al. In regard to claim 1, Treusch et al. discloses (fig. 10) a shrinkage-free sealing structure of a heat pipe, comprising a double-layered structure ("formed by transversely pressing a first side of an open end of the bulk body towards a second side of the open end so that a recess portion is formed at one half sidewall that has been pressed towards the other half to form a pressed open end and a bent sidewall is formed between the pressed open end and the bulk body and transversely pressing the second side towards the first side" is a product by process claim and all of the process limitations carry little patentable weight. As long as the prior art discloses all of the structure recited in the claimed invention, the prior anticipates the claim) so that the pressed open end forms a first and a second flattened portions connected to a third flattened portion at two ends thereof by a bending portion respectively and the third flattened portion is bent into two portions to contact the first and the second flattened portions respectively (see fig. 8). Treusch et al. does not disclose that the body 20 is cylindrical, but Treusch et al. does disclose that the body could be made of other cross sectional shapes, such as an oval cross section (see col. 3, lines 16-17). It would be obvious to one of ordinary skill in the art to make the body of Treusch et al. a

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cylindrical shape because a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

In regard to claim 2, wherein the double-layered structure has an arrowhead cross section (fig. 10).

In regard to claim 3, wherein the double-layered structure has a narrow slit therein (see fig. 5).

In regard to claim 4, further comprising a covering portion sealing the narrow slit (see figs. 6-11).

In regard to claim 5, wherein the covering portion is formed by brazing, soldering or welding (see claims 3 and 5).

In regard to claim 6, wherein the double-layered structure has a W-shape cross-section (see fig. 5).

### ***Response to Arguments***

3. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that the process limitations added to claim 1 should overcome the prior art of Teusch et al. However, as explained in further detail above, claim 1 was amended to add process limitations, which carry no patentable weight in an apparatus claim. Because Teusch et al. discloses the same end sealing structure (fig. 8) as that recited by the Applicant, Teusch et al. anticipates the end sealing structure portion of claim 1.

*Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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A handwritten signature in black ink, appearing to read "David E. Bochna", with a long horizontal flourish extending to the right.

David E. Bochna  
Primary Examiner  
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